

**NOT RECOMMENDED FOR PUBLICATION**

No. 24-1709

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**

Oct 29, 2024

KELLY L. STEPHENS, Clerk

ERIC MARTIN,	)	
	)	
Plaintiff-Appellant,	)	
	)	ON APPEAL FROM THE UNITED
v.	)	STATES DISTRICT COURT FOR
	)	THE EASTERN DISTRICT OF
ROBERT HURST; ERANE C. WASHINGTON;	)	MICHIGAN
RACHEL L. MCDUFFIE; RYAN SASS,	)	
	)	
Defendants-Appellees.	)	

**ORDER**

Before: NORRIS, KETHLEDGE, and LARSEN, Circuit Judges.

This court must examine the basis of its jurisdiction, on its own initiative if necessary. *Alston v. Advanced Brands & Importing Co.*, 494 F.3d 562, 564 (6th Cir. 2007). Generally, in a civil case where neither the United States, a United States agency, nor a United States officer or employee is a party, a notice of appeal must be filed within 30 days after the judgment or order appealed from is entered. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1).

On May 28, 2024, the district court dismissed Eric Martin’s civil action. Any notice of appeal was due to be filed on or before June 27, 2024. Martin’s notice of appeal was filed in the district court on August 23, 2024.

Because the notice of appeal was late and Martin had not moved in the district court for an extension of the time to appeal under Federal Rule of Appellate Procedure 4(a)(5) or for reopening the time to appeal under Federal Rule of Appellate Procedure 4(a)(6), this court directed Martin to

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show cause why his appeal should not be dismissed on the basis of a late notice of appeal. Martin has not responded and the time to do so has expired.<sup>1</sup>

Martin's failure to timely file a notice of appeal deprives this court of jurisdiction. The statutory requirement in § 2107(a) that the notice of appeal be filed within 30 days after the entry of a judgment is a mandatory jurisdictional prerequisite that this court may not waive. *Hamer v. Neighborhood Hous. Servs. of Chi.*, 583 U.S. 17, 20 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007).

We therefore **DISMISS** this appeal for lack of jurisdiction.

ENTERED BY ORDER OF THE COURT

  
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Kelly L. Stephens, Clerk

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<sup>1</sup> We note that Martin filed a motion to reopen in the district court. However, the motion requested reopening of the case, not reopening of the time to appeal.

**United States Court of Appeals for the Sixth Circuit**

**U.S. Mail Notice of Docket Activity**

The following transaction was filed on 10/29/2024.

**Case Name:** Eric Martin v. Robert Hurst, et al

**Case Number:** 24-1709

**Docket Text:**

ORDER filed: We therefore DISMISS this appeal for lack of jurisdiction, decision not for publication. No mandate to issue. Alan E. Norris, Circuit Judge; Raymond M. Kethledge, Circuit Judge and Joan L. Larsen, Circuit Judge.

**The following documents(s) are associated with this transaction:**

Document Description: Order

**Notice will be sent to:**

Mr. Eric Martin  
9074 Clippert Street  
Taylor, MI 48180

**A copy of this notice will be issued to:**

Ms. Kinikia D. Essix